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OCS

January 10, 1979

2036

Guyana Deaths

Llewellyn P. Ireland, Director
Bureau of Health Data Systems

Charles Hardester, Director
Division of Vital Statistics

I have been contacted by the U.S. Department of State asking for our cooperation in the disposition of certain identified and unidentified bodies from the Guyana massacre. Specifically, they are requesting what documentation will be accepted to meet the requirements of burial or cremation in Pennsylvania. Attached is a packet of documents received from the Department of State pertaining to the Guyana situation.

§505 of the Vital Statistics Law pertains to the disposition of bodies when death has occurred outside of this Commonwealth. After reviewing Mr. Alan A. Gise's letter of January 5, 1979, it is my opinion that the forthcoming documents, the death certificates being prepared by the Guyana government, are the most important items needed. The opinions of the Solicitor General of Guyana and the certification of Mr. Charles C. Carson are also relevant to the disposition of these bodies. Since the Solicitor General of Guyana states that the death certificates which are being prepared are sufficient for burial or other disposition in their country, I feel this implies that a portion of §505 is being met in accordance with Guyana's laws and regulations.

What is not addressed here is the fact that these death certificates will not be accompanied by what we refer to as a transit or burial permit. It is possible that the death certificate itself is also the transit or burial permit based on Guyana law; however, this fact is not clearly stated. §505 does not define the specifications of a transit or burial permit; it only states that the permit must be issued in accordance with the law and regulations in force where the death occurred. If the death certificate also represents the transit or burial permit, we should honor the request of the Department of State. The additional documentation submitted merely ensures the health and safety of Pennsylvania residents.

Due to the circumstances involved with the Guyana massacre, perhaps it would be advisable to secure an Attorney General's opinion as to whether such action by the Commonwealth of Pennsylvania is permissible. I would also suggest that our Justice Department contact Mr. Dozier.

For your information, a cemetery group in Pennsylvania has contacted the federal government offering their services in the disposition of these remains. The federal government has also requested the cooperation of the states of New Jersey, Maryland, and Virginia as they are planning to utilize all four states for the disposition of these bodies to eliminate

monopolization. I have also contacted each of these states, and they have expressed that they are attempting to develop a suitable procedure to assist in this matter.

If any additional information is needed, please contact me.

Attachment
CH:dr